

**COURT OF APPEAL  
STATE OF CALIFORNIA  
THIRD APPELLATE DISTRICT**

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**The Minutes**

**November 11, 2002**

There were no minutes for this date.

**November 12, 2002**

At 9:31 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present: Blease, Acting Presiding Justice; Davis, Associate Justice; Nicholson, Associate Justice; and Facey, Bailiff. Calendar Called.

**C036721 THE PEOPLE v. ROWELL**

Cause called. Joseph B. de Illy, court appointed counsel, argued for appellant. Charles A. French, Deputy Attorney General, argued for respondent. Cause submitted.

At 9:43 a.m., the court recessed. At 9:47 a.m., the court reconvened with Blease, Acting Presiding Justice; Davis, Associate Justice; and Morrison, Associate Justice.

**C038409 BUSBY v. TOM'S SIERRA CO. et al.**

Cause called. Lynn Rasmussen argued for appellant. Eric R. Wiesel, argued for respondent. Cause submitted.

At 9:58 a.m., the court recessed. At 10:03 a.m., the court reconvened with Davis, Associate Justice; Morrison, Associate Justice; and Callahan, Associate Justice.

**C038678 HAGAN ENGINEERING, INC. v. MILLS et al.**

Cause called. Michael E. Chase, argued for appellants. Constance E. Roberts argued for respondent. Cause submitted.

At 10:27 p.m., the court recessed until 9:30 a.m., Wednesday, November 13, 2002.

**C037992 THE PEOPLE v. CHAWI**

**(Not for Publication)**

The judgment is affirmed.

RAYE, J.

We concur: Sims, Acting P.J.  
Davis, J.

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**The Minutes**

**November 12, 2002, continued**

**C036184 CITY OF LINCOLN v. BARRINGER et al. (Certified for Publication)**

THE COURT:

The opinion filed October 16, 2002, is modified...This modification does not change the judgment.

The petition for rehearing is denied.

BY THE COURT:

SIMS, Acting P.J.

Callahan, J.

Robie, J.

**November 13, 2002**

At 9:32 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present: Sims, Associate Justice; Nicholson, Associate Justice; Robie, Associate Justice; and Rios, Bailiff. Calendar Called.

**C039471 ELHERTANI v. LEVEL ONE COMMUNICATIONS, INC. et al.**

Cause called. Sue Ochs, argued for appellant. William T. Darden, argued for respondent. Cause submitted.

At 10:04 a.m., the court recessed. At 10:08 a.m., the court reconvened with Sims, Associate Justice; Raye, Associate Justice; and Hull, Associate Justice.

**C035628 VALENZUELA et al. v. MILLARD et al.**

Cause called. All counsel orally stipulated that Justice Hull could participate by cassette tape. Kenneth N. Meleyco argued for appellants. Charity Kenyon argued for respondents. Cause submitted.

At 10:34 a.m., the court recessed. At 10:36 a.m., the court reconvened with Raye, Associate Justice; Hull, Associate Justice; and Kolkey, Associate Justice.

**C034822 BAYCOR LEASING, INC. v. CAPITOL INDEMNITY CORPORATION and FORD CONSTRUCTION COMPANY et al.**

Cause called. All counsel orally stipulated that Justice Hull could participate by cassette tape. Edward Rubacha argued for appellant Capitol Indemnity Corporation. Hiram S. Dillin argued for respondents Ford Construction Company. Robert J. Rice argued for respondent Baycor Leasing, Inc. Cause submitted.

At 11:19 a.m., the court recessed. At 11:25 a.m., the court reconvened with Raye, Associate Justice; Hull, Associate Justice; and Robie, Associate Justice.

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**The Minutes**

**November 13, 2002, continued**

**C039608      METTLER v. SPAETH**

Cause called. All counsel orally stipulated that Justice Hull could participate by cassette tape. Greg A. Meyer argued for appellant. Matthew C. Jaime argued for respondent. Cause submitted.

At 11:37 a.m., court recessed. At 11:42 a.m., court reconvened with Sims, Associate Justice; Raye, Associate Justice; and Morrison, Associate Justice.

**C039413      THE PEOPLE v. WILLIAMS**

Cause called. Ruth McVeigh, court appointed counsel, argued for appellant. John A. Thawley, Deputy Attorney General, argued for respondent. Cause submitted.

At 12:09 p.m., court recessed. At 2:00 p.m., court reconvened with Blease, Acting Presiding Justice; Raye, Associate Justice; and Morrison, Associate Justice.

**C037254      BRONCO WINE COMPANY, et al. v. ESPINOZA etc., et al. and NAPA VALLEY VINTNERS ASSOCIATION**

Cause called. Peter M. Brody appeared for petitioners. John W. Keker argued for intervenor and submitted additional citations. Terry Senne, Deputy Attorney General, argued for respondents. Kelly B. Kramer appeared only. Cause submitted.

At 2:59 p.m., court recessed. At 3:03 p.m., court reconvened with Blease, Acting Presiding Justice; Sims, Associate Justice; and Robie, Associate Justice.

**C039686      CONNELL, as Controller, etc. v. CALIFORNIA PUBLIC EMPLOYEES' RETIREMENT SYSTEM BOARD OF ADMINISTRATION, et al.**

Cause called. Jeffrey A. Le Vee argued for and Peter Mixon appeared only for defendants - appellants - cross-respondents. Robin B. Johansen argued for and James C. Harrison appeared only for plaintiff - respondent - cross-appellant Connell. Cause submitted.

**C038282      CALFARM INSURANCE COMPANY v. TAPEWORM VIDEO DISTRIBUTORS, INC.**

Cause called. Peter Abrahams argued for defendant - plaintiff - cross-respondent. Takashi R. (T.R.) Sugano argued for plaintiff - respondent - cross-appellant. Cause submitted.

At 4:18 p.m., court recessed. At 4:23 p.m., court reconvened with Sims, Associate Justice; Nicholson, Associate Justice; and Morrison, Associate Justice.

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**The Minutes**

**November 13, 2002, continued**

- C036850      THE PEOPLE v. ABBASZADEH**  
Cause called. Eric S. Multhaup argued for appellant. R. Todd Marshall, Deputy Attorney General, argued for respondent. Submission deferred. Appellant has 10 days to file supplemental letter, respondent 10 days thereafter and appellant has 5 days to reply.
- At 4:49 p.m., court recessed. At 4:55 p.m., court reconvened with Sims, Associate Justice; Nicholson, Associate Justice; Raye, Associate Justice and Harebottle, clerk.
- C040407      MAFFEI v. SACRAMENTO COUNTY EMPLOYEES' RETIREMENT SYSTEM**  
Cause called. J. Steven Burris, Deputy County Counsel, argued for appellant. Michael N. McCallum argued for respondent. Cause submitted.
- At 5:23 p.m., the court recessed until 9:30 a.m., Thursday, November 14, 2002.
- C031612      THE PEOPLE v. VALDEZ et al.      OPINION ON REMAND**  
**C032849      THE PEOPLE v. VALDEZ      (Not for Publication)**  
The judgment against defendant Valdez is affirmed.  
                                 DAVIS, J.  
We concur:      Blease, Acting P.J.  
                                 Sims, J.
- C039666      THE PEOPLE v. STEVENS      (Not for Publication)**  
THE COURT:  
                                 It is ordered that the opinion filed in this case on October 15, 2002, be modified as follows... This modification does not change the judgment.  
                                 The petition for rehearing by appellant is denied.  
FOR THE COURT:  
                                 DAVIS, Acting P.J.  
                                 Hull, J.  
                                 Kolkey, J.
- C039682      THE PEOPLE v. STORY      (Not for Publication)**  
The judgment is affirmed. However, we direct the trial court to correct the reporter's transcript of the September 20, 2001, hearing, page 3, lines 4-5, to replace the reference to "11361(a) transportation of paraphernalia" with "11360(a) transportation of marijuana."  
                                 ROBIE, J.  
We concur:      Sims, Acting P.J.  
                                 Callahan, J.

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**The Minutes**

**November 13, 2002, continued**

**C040279      THE PEOPLE v. MARSH      (Not for Publication)**

The judgment is reversed and the matter is remanded to the trial court for the limited purpose of determining the amount of presentence actual custody credit to be awarded under section 2900.5, subdivision (a). After such determination, the trial court shall prepare amended abstracts of judgment reflecting the amount of credit awarded and forward same to the Department of Corrections. Our disposition does not affect the convictions and sentence.

NICHOLSON, J.

We concur:    Blease, Acting P.J.  
                  Morrison, J.

**C040497      In re DEVON B. et al.; SHASTA COUNTY DEPARTMENT OF SOCIAL  
SERVICES v. DONALD B.      (Not for Publication)**

The judgment is affirmed.

ROBIE, J.

We concur:    Sims, Acting P.J.  
                  Callahan, J.

**November 14, 2002**

At 9:30 a.m., the court met in the Library & Courts Building to begin its court calendar session. Present: Davis, Associate Justice; Morrison, Associate Justice; Robie, Associate Justice; and Facey, Bailiff. Calendar called.

**C040225      LAFOREST v. CITY OF MT. SHASTA and DeCLERCK ENTERPRISES, et al.**  
Cause called. Dale LaForest, In Pro Per, argued for himself as appellant. C. Todd Norris, argued for Real Party-In-Interest, C&K Market. Mark D. Norcross argued for respondent. Jeffrey James Swanson, appeared only for Real Party-In-Interest Merrill et al. Darrin W, Mercier, appeared only for Real Party-In-Interest DeClerck. Cause submitted.

At 9:52 a.m., the court recessed until 9:30 a.m., Friday, November 15, 2002.

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**November 14, 2002, continued**

- C028892      THE PEOPLE v. NGUYEN et al.                      (Not for Publication)**  
V. Nguyen's sentence is modified to strike the enhancement under section 12022.7, subdivision (b). Except as modified. The judgments of conviction are affirmed. The trial court shall prepare an amended abstract of judgment for V. Nguyen and forward a certified copy to the Department of Corrections.  
KOLKEY, J.  
I concur:      Nicholson, Acting P.J.  
I concur:  
I concur in the majority except as to part I, subpart G of the Discussion, in which I concur in the result...  
Morrison, J.
- C038568      THE PEOPLE v. HATCH                                      (Not for Publication)**  
The judgment is affirmed.  
HULL, J.  
We concur:      Scotland, P.J.  
Robie, J.
- C034127      MARIN HEALTHCARE DISTRICT v. SUTTER HEALTH et al.                      (Certified for Publication)**  
The judgment is affirmed. Defendants are awarded their costs on appeal. (Rule 26 (a), Cal. Rules of Court.)  
KOLKEY, J.  
We concur:      Blease, Acting P.J.  
Raye, J.
- C036013      CATES v. CALIFORNIA STATE CONTROLLER'S OFFICE                      (Not for Publication)**  
We affirm the judgment.  
RAYE, J.  
We concur:      Davis, Acting P.J.  
Callahan, J.
- C040037      LASICH v. LASICH    (Not for Publication)**  
The orders appealed from are affirmed. Father shall receive his costs on this appeal.  
SIMS, Acting P.J.  
We concur:      Callahan, J.  
Robie, J.

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At 10:12 a.m., court recessed. At 10:16 a.m., court reconvened with Sims, Associate Justice; Morrison, Associate Justice; and Callahan, Associate Justice.

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**The Minutes**

**November 15, 2002, continued**

- C037657      In re ROBERT C.; DEPARTMENT OF HEALTH AND HUMAN SERVICES v. KELLI C. et al.**  
Cause called. Kelli C., In Pro Per, argued for herself as appellant. Robert C., In Pro Per, argued for himself as appellant. Traci F. Lee, Deputy Attorney General, argued for respondent. Cause submitted.
- At 10:31 a.m., the court recessed. At 10:36 a.m., the court reconvened with Sims, Associate Justice; Davis, Associate Justice; and Morrison, Associate Justice.
- C037511      In re CHRISTOPHER T.; THE PEOPLE v. CHRISTOPHER T.**  
Cause called. Oliver Northup, court appointed counsel, argued for appellant. Tiffany S. Schultz, Deputy Attorney General, argued for respondent. Cause submitted.
- At 10:46 a.m., the court recessed. At 10:50 a.m., the court reconvened with Sims, Associate Justice; Davis, Associate Justice; and Hull, Associate Justice.
- C037082      THE PEOPLE v. VARGAS**  
Cause called. Michael Sattris, court appointed counsel, argued for appellant. Peter H. Smith, Deputy Attorney General, argued for respondent. Cause submitted.
- At 11:22 a.m., court recessed. At 2:08 p.m., court reconvened with Sims, Associate Justice; Davis, Associate Justice; and Kolkey, Associate Justice.
- C038386      MARTIN v. ALEXANDER, et al.**  
Cause called. Robert A. Martin, In Pro Per, argued for himself as appellant. Timothy H. Stearns, argued for respondent Alexander. Karen Robbins, In Pro Per, appeared only, as respondent. Cause deferred. Oral argument continued to a future date per Acting Presiding Justice, Sims. The court will notify parties of date when determined.
- At 2:10 p.m., the court recessed. At 2:14 p.m., the court reconvened with Sims, Associate Justice; Nicholson, Associate Justice; and Robie, Associate Justice.
- C036703      THE PEOPLE v. MICELI**  
Cause called. Dale Dombkowski, court appointed counsel, argued for appellant. Janine R. Busch, Deputy Attorney General, argued for respondent. Cause submitted.
- At 2:34 p.m., the court recessed until 9:30 a.m., Monday, November 18, 2002

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**The Minutes**

**November 15, 2002, continued**

- C038176      THE PEOPLE v. PHELPS      (Certified for Publication)**  
The judgment is modified to reflect a section 654 stay of the one-year jail term imposed for count 2 (violation of a court order) and to strike the two-year enhancement imposed under section 12022.1. The trial court is directed to amend the abstract of judgment and court's minute order to reflect these modifications. The court shall forward a certified copy of the amended abstract to the Department of Corrections. As modified, the judgment is affirmed.  
MORRISON, J.  
We concur:    Blease, Acting P.J.  
                  Davis, J.
- C039752      THE PEOPLE v. ARENAS      (Not for Publication)**  
The finding that defendant's prior juvenile adjudication for violation of Penal Code 245, subdivision (c) as a strike is reversed and the sentence vacated. The matter is remanded for further proceedings.  
HULL, J.  
We concur:    Raye, Acting P.J.  
                  Robie, J.
- C040130      THE PEOPLE v. CISNEROS      (Not for Publication)**  
The conviction for violation of section 12031, subdivision (a) (1) is reversed. In all other respects, the convictions are affirmed. The case is remanded for resentencing consistent with this opinion.  
NICHOLSON, J.  
We concur:    Blease, Acting P.J.  
                  Kolkey, J.
- C039982      MADYOON v. MEDPARTNERS, INC. et al. (Not for Publication)**  
The judgment is reversed. The matter is remanded to the trial court for further proceedings consistent with this opinion. Costs on appeal are awarded to plaintiff.  
NICHOLSON, Acting P.J.  
We concur:    Morrison, J.  
                  Hull, J.